

110TH CONGRESS
2D SESSION

S. 2724

To amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2008

Mr. BAYH (for himself, Ms. LANDRIEU, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CJ’s Home Protection
5 Act of 2008”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1 (1) nearly 20,000,000 Americans live in manu-
2 factured homes, which often provide a more acces-
3 sible and affordable way for many families to buy
4 their own homes;

5 (2) manufactured housing plays a vital role in
6 providing housing for low- and moderate-income
7 families in the United States;

8 (3) NOAA Weather Radio (NWR) is a nation-
9 wide network of radio stations broadcasting contin-
10 uous weather information directly from a nearby Na-
11 tional Weather Service (NWS) office, and broadcasts
12 NWS warnings, watches, forecasts, and other all-
13 hazard information 24 hours a day;

14 (4) the operators of manufactured housing com-
15 munities should be encouraged to provide a safe
16 place of shelter for community residents or a plan
17 for the evacuation of community residents to a safe
18 place of shelter within a reasonable distance of the
19 community for use by community residents in times
20 of severe weather, including tornados and high
21 winds, and local municipalities should be encouraged
22 to require approval of these plans;

23 (5) the operators of manufactured housing com-
24 munities should be encouraged to provide a written
25 reminder semiannually to all owners of manufac-

1 tured homes in the manufactured housing commu-
 2 nity to replace the batteries in their weather radios;
 3 and

4 (6) weather radio manufacturers should include,
 5 in the packaging of weather radios, a written re-
 6 minder to replace the batteries twice each year and
 7 written instructions on how to do so.

8 **SEC. 3. FEDERAL MANUFACTURED HOME INSTALLATION**
 9 **STANDARDS.**

10 Section 605 of the National Manufactured Housing
 11 Construction and Safety Standards Act of 1974 (42
 12 U.S.C. 5404) is amended by adding at the end the fol-
 13 lowing new subsection:

14 “(d) WEATHER RADIOS.—

15 “(1) PROVISION OF INSTALLATION INSTRUCC-
 16 TIONS.—A manufacturer shall provide with each
 17 manufactured home (other than a manufactured
 18 home affixed to a permanent foundation), instruc-
 19 tions for the installation of a weather radio required
 20 under this section.

21 “(2) MODEL INSTALLATION STANDARDS.—The
 22 Federal manufactured home installation standards
 23 established by the Secretary under this section shall
 24 require that each manufactured home (other than a
 25 manufactured home affixed to a permanent founda-

tion) shall be installed with a weather radio inside the manufactured home that—

“(A) is capable of broadcasting emergency information relating to local weather conditions;

“(B) is equipped with a tone alarm;

“(C) is equipped with Specific Alert Message Encoding, or SAME technology; and

“(D) complies with Consumer Electronics Association (CEA) Standard 2009–A (or current revision thereof) Performance Specification for Public Alert Receivers.

“(3) RESPONSIBILITY OF MANUFACTURED HOME INSTALLERS.—It shall be the duty of manufactured home installers to ensure that manufactured homes (other than manufactured homes affixed to a permanent foundation) are supplied and installed with a weather radio required under this subsection.

“(4) DEFINITION OF AFFIXED TO A PERMANENT FOUNDATION.—For purposes of this subsection, the term ‘affixed to a permanent foundation’ has the meaning given that term in the Department of Housing and Urban Development’s publication entitled ‘Permanent Foundations Guide For Manufactured Housing’ dated September 1996.

1 “(5) LIABILITY PROTECTIONS.—

2 “(A) IMMUNITY FOR MANUFACTURERS.—

3 Manufacturers of manufactured homes shall be
4 immune from common law civil liability for any
5 aspect of the installation, furnishing, function,
6 operation, performance, capabilities, or utiliza-
7 tion of the weather radio mandated by the Fed-
8 eral manufactured home installation standards
9 promulgated in accordance with this subsection,
10 including any instructions related thereto.

11 “(B) IMMUNITY FOR INSTALLERS.—Manu-

12 factured home installers shall be immune from
13 common law civil liability for any aspect of the
14 installation, furnishing, function, operation, per-
15 formance, capabilities, or utilization of the
16 weather radio mandated by the Federal manu-
17 factured home installation standards promul-
18 gated in accordance with this subsection, in-
19 cluding any instructions related thereto.

20 “(C) IMMUNITY FOR RETAILERS.—Retail-

21 ers of manufactured homes shall be immune
22 from common law civil liability for any aspect
23 of the installation, furnishing, function, oper-
24 ation, performance, capabilities, or utilization of
25 the weather radio mandated by the Federal

1 manufactured home installation standards pro-
2 mulgated in accordance with this subsection, in-
3 cluding any instructions related thereto.

4 “(D) IMMUNITY FOR OPERATORS OF
5 HOUSING COMMUNITIES.—Any reminder, assist-
6 ance, or instructions provided by the operator
7 of a manufactured housing community con-
8 cerning the function of a weather radio con-
9 tained in a manufactured home shall not sub-
10 ject the operator, an owner or employee of the
11 manufactured home community, or the manu-
12 facturer of the manufactured home to liability
13 for the functionality of that weather radio.

14 “(6) EXEMPTION FOR MODULAR HOMES.—

15 “(A) IN GENERAL.—The installation
16 standards required to be established under
17 paragraph (2) shall not apply to modular
18 homes.

19 “(B) DEFINITION OF MODULAR HOME.—
20 For purposes of this paragraph, the term ‘mod-
21 ular home’ has the meaning given such term in
22 the law of the State in which the modular home
23 is located.”.

1 **SEC. 4. ESTABLISHMENT.**

2 Not later than the expiration of the 90-day period
3 beginning on the date of the enactment of this Act, the
4 consensus committee established pursuant to section
5 604(a)(3) of the National Manufactured Housing Con-
6 struction and Safety Standards Act of 1974 (42 U.S.C.
7 5304(a)(3)) shall develop and submit to the Secretary of
8 Housing and Urban Development a proposed Federal
9 manufactured home installation standards required under
10 section 605(d) of such Act (as added by the amendment
11 made by section 3 of this Act). Notwithstanding section
12 604(a)(5)(B) of such Act, the Secretary of Housing and
13 Urban Development shall issue a final order promulgating
14 the standard required by such section 605(i) not later
15 than the expiration of the 90-day period beginning upon
16 receipt by the Secretary of the proposed standard devel-
17 oped and submitted by the consensus committee.

18 **SEC. 5. STUDY.**

19 The Secretary of Housing and Urban Development
20 shall conduct a study regarding conditioning the applica-
21 bility of the requirement under the amendment made by
22 section 3 of this Act (relating to the installation of weather
23 radios in manufactured homes) on the geographic location
24 at which a manufactured home is placed, but only to the
25 extent that such requirement applies to new manufactured
26 homes and new site-built homes. In conducting such study

1 and making determinations under to the study, the Sec-
2 retary shall take into consideration severe weather condi-
3 tions, such as high winds and flooding, and wind zones
4 and other severe weather data available from the National
5 Weather Service. Not later than the expiration of the 18-
6 month period beginning on the date of the enactment of
7 this Act, the Secretary shall complete the study and sub-
8 mit a report regarding the results of the study to the Com-
9 mittee on Banking, Housing, and Urban Affairs of the
10 Senate and to the Committee on Financial Services of the
11 House of Representatives.

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